

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.05-10182-JLT
)	
RAPHAEL GONZALEZ,)	
"a/k/a Rafi, et al.,)	
Defendants.)	
)	

FINAL ORDER OF FORFEITURE

TAURO, D.J.

WHEREAS, on July 20, 2005, a federal grand jury sitting in the District of Massachusetts returned a seven-count Indictment charging defendant Rafael Gonzalez, a/k/a "Rafi", (the "Defendant"), with Conspiracy to Distribute Oxycodone and Cocaine, in violation of 21 U.S.C. § 846 (Count One); Distribution of Oxycodone, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count Two); Distribution of Cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts Four, Five, and Six); and Possession With Intent to Distribute 500 Grams or more of Cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count Seven);

WHEREAS, the Indictment also contained a Forfeiture Allegation seeking forfeiture, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission

of, any such violations, such property includes, but is not limited to, the following:

- (a) \$41,963 in United States Currency seized on June 2, 2005, from 14 Cousins Street, Salem, Massachusetts;
- (b) one 2000 BMW X5, Vehicle Identification Number WBAFB3359YLH05841, Massachusetts registration number 31MC25, seized on June 2, 2005 (the "Vehicle"); and
- (c) the real property located at 14 Cousins Street, Salem, Massachusetts 01970, more specifically described in the deed recorded on December 31, 2003, in the Essex South County registry of deeds, book 22250, page 468;

WHEREAS, the Indictment further provided that, if the Property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the Property, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on September 5, 2007, at a Rule 11 hearing, the Defendant pleaded guilty to Counts One, Two, Four, Five, Six and Seven of the Indictment, and the Court accepted his plea;

WHEREAS, at the change of plea hearing, the United States set forth the factual basis for forfeiture of the BMW, and the Defendant stated that he did not dispute the relevant facts;

WHEREAS, on March 3, 2008, this Court issued a Preliminary Order of Forfeiture against the Vehicle;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on March 18, 2008, March 25, 2008 and April 1, 2008; and

WHEREAS, no claims of interest in the BMW have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The Motion for a Final Order of Forfeiture is allowed.
 2. The BMW is hereby forfeited to the United States pursuant to 21 U.S.C. § 853.
 3. All other parties, having any right, title, or interest in the Currency, are hereby held in default.
 4. The United States Marshal Service shall take custody of the BMW, and shall dispose of it according to law and this Order.
- DONE AND ORDERED in Boston, Massachusetts, this 22 day of June, 2009.


JOSEPH L. TAURO

United States District Judge